

NOTICE OF INTENT

Board of Elementary and Secondary Education

Part XI.

Bulletin 111—The Louisiana School, District, and State Accountability System (LAC 28:XI.405)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:XI.405 *Bulletin 111 - The Louisiana School, District, and State Accountability System*. The proposed revisions update policy related to the Innovative Assessment Program, which provides an alternative approach to measuring how well students know and understand the Louisiana English Language Arts content standards. Revisions also add the new English Language Proficiency Test (ELPT) Connect, an alternate assessment created for English learners with significant cognitive disabilities.

Title 28

EDUCATION

Part XI. Accountability/Testing

Subpart 1. Bulletin 111 - The Louisiana School, District, and State Accountability System

Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

§405. Calculating a K-8 Assessment Index [Formerly LAC 28:LXXXIII.405]

A. - B.4.

...

C. Beginning in the 2025-2026 school year (2026 SPS), the kindergarten through eighth grade assessment index will also include a measure of K-2 literacy and growth on student literacy. In addition, no earlier than the 2024-2025 school year (2025 SPS), the department will develop and establish an assessment or a screener to measure numeracy for students in K-2.

1. With the establishment of the K-2 literacy screener and baseline scores, the department will recommend how to incorporate K-2 literacy results in the school assessment index. The calculation of the kindergarten through eighth grade assessment index will always ensure that the weight of student scores on LEAP in grades three and above will always be weighted more than that of the K-2 results.

D. Weight each subject-test index score by the corresponding value from the table below.

Unit Weights for K-8 Assessment Index				
Grade	ELA	Math	Science	Social Studies
3rd	2	2	1	1
4th	2	2	1	1
5th	2	2	1	1
6th	2	2	1	1
7th	2	2	1	1
8th	2	2	1	1

E. Weight each ELP index score by six.

F. Sum all weighted subject-test and ELP index scores.

G. Sum all weights applied to subject-test and ELP index scores from the tables in Subsections D and E of this Section.

H. Divide the sum from Subsection G of this Section by the total scores.

I. When eighth grade students only participate in the Algebra I test but not the grade-level math assessment, the Algebra I test results will be used in the middle school assessment index (80 for basic, 100 for mastery, and 150 for advanced) and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all high school LEAP 2025 scores of mastery or advanced earned during the same year in which the test was administered.

1. Incentive points will be awarded as follows:

a. advanced = 50; and

b. mastery = 25.

J. The policy outlined in Subsection I of this Section will also apply to combination schools. The high school LEAP 2025 score will be used in middle school results for the year in which the assessment is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in ninth grade, as outlined in §409.A.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:221 (February 2019), LR 47:445 (April 2021), LR 48:

COMPARISON DOCUMENT

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C. Weight each subject test index score by the corresponding value from the table below. Beginning in the 2025-2026 school year (2026 SPS), the kindergarten through eighth grade assessment index will also include a measure of K-2 literacy and growth on student literacy. In addition, no earlier than the 2024-2025 school year (2025 SPS), the department will develop and establish an assessment or a screener to measure numeracy for students in K-2.

Unit Weights for K-8 Assessment Index				
Grade	ELA	Math	Science	Social Studies
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4th	2	2	1	1
5th	2	2	1	1
6th	2	2	1	1
7th	2	2	1	1
8th	2	2	1	1

1. With the establishment of the K-2 literacy screener and baseline scores, the department will recommend how to incorporate K-2 literacy results in the school assessment index. The calculation of the kindergarten through eighth grade assessment index will always ensure that the weight of student scores on LEAP in grades three and above will always be weighted more than that of the K-2 results.

D. Weight each ELP index score by six. Weight each subject-test index score by the corresponding value from the table below.

Unit Weights for K-8 Assessment Index				
Grade	ELA	Math	Science	Social Studies
3rd	2	2	1	1
4th	2	2	1	1
5th	2	2	1	1
6th	2	2	1	1
7th	2	2	1	1
8th	2	2	1	1

E. ~~Sum all weighted subject test and ELP index scores. Weight each ELP index score by six.~~

F. ~~Sum all weights applied to subject test and ELP index scores from the tables in Subsections C and D of this Section. Sum all weighted subject-test and ELP index scores.~~

G. ~~Divide the sum from Subsection F of this Section by the total scores. Sum all weights applied to subject-test and ELP index scores from the tables in Subsections D and E of this Section.~~

H. When eighth grade students only participate in the algebra I test but not the grade-level math assessment, the algebra I test results will be used in the middle school assessment index (80 for basic, 100 for mastery, and 150 for advanced) and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all high school LEAP 2025 scores of mastery or advanced earned during the same year in which the test was administered. Divide the sum from Subsection G of this Section by the total scores.

1. Incentive points will be awarded as follows:

a. advanced = 50; and

b. mastery = 25.

I. The policy outlined in Subsection G of this Section will also apply to combination schools. The high school LEAP 2025 score will be used in middle school results for the year in which the assessment is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in ninth grade, as outlined in §409.A.3. When eighth grade students only participate in the Algebra I test but not the grade-level math assessment, the Algebra I test results will be used in the middle school assessment index (80 for basic, 100 for mastery, and 150 for advanced) and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all high school LEAP 2025 scores of mastery or advanced earned during the same year in which the test was administered.

1. Incentive points will be awarded as follows:

a. advanced = 50; and

b. mastery = 25.

J. The policy outlined in Subsection I of this Section will also apply to combination schools. The high school LEAP 2025 score will be used in middle school results for the year in which the assessment is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in ninth grade, as outlined in §409.A.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

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**STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
FAMILY IMPACT STATEMENT
(LA R.S. 49:953 and 972)**

Person Preparing Statement: Ashley Townsend
Phone: 225-342-3446
Division: Governmental, Administrative, and Public Affairs
Rule Title: Part XI. *Bulletin 111. The Louisiana School, District, and State Accountability System* (LAC 28:XI.405).

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND TO THE FOLLOWING:

- I. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine
2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?
 No
 Yes
 Lacks sufficient information to determine.
3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?
 No
 Yes
 Lacks sufficient information to determine
4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?
 No
 Yes
 Lacks sufficient information to determine
5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?
 No
 Yes
 Lacks sufficient information to determine
6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?
 No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 9/12/2022

**STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
POVERTY IMPACT STATEMENT
(LA R.S. 49:973)**

Person Preparing Statement: Ashley Townsend

Phone: 225-342-3446

Division: Governmental, Administrative, and Public Affairs

Rule Title: Part XI. *Bulletin 111. The Louisiana School, District, and State Accountability System* (LAC 28:XI.405).

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

PLEASE RESPOND TO THE FOLLOWING:

1. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?

- No
 Yes
 Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?

- No
 Yes
 Lacks sufficient information to determine

3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?

- No
 Yes
 Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?

- No
 Yes
 Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?

- No
 Yes
 Lacks sufficient information to determine

Signature of Contact Person: 

Date Submitted: 09/12/2022

Small Business Statement

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, November 10, 2022, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person

Preparing

Statement: Ashley Townsend

Dept.: LA Department of Education
Board of Elementary &
Secondary Education

Phone: (225) 342-3446

Office: Policy

Return

Address: P. O. Box 94064
Baton Rouge, LA

Rule Title: Part XI. *Bulletin 111 - The Louisiana School,*
District, and State Accountability System (LAC 28:XI
(LAC 28:XI.405)

Date Rule

Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

There will be increased costs to the Department of Education (LDE) to develop and implement the numeracy screener required by the proposed provisions. The literacy screener required by the proposed revisions is currently required by Act 438 of the 2021 Regular Legislative Session, and the LDE has already budgeted funds for its development, though future costs associated with the literacy screener will require additional SGF.

While the cost of developing the assessments is currently indeterminable, the cost of the literacy screener is estimated by the LDE to be \$3 M per year and may be as high as \$4.5 M per year based on the results of the Request for Proposals (RFP) process. Funding for the literacy screener is designated from Elementary and Secondary School Emergency Relief (ESSER) funds. However, these funds will only be available through September 30, 2024. After this date, SGF will be required for future costs. Development of the numeracy screener will require an indeterminable amount of SGF.

The proposed revisions require the development of both a literacy screener and a numeracy screener for students in grades K-2. The highest proposal received for development of the literacy screener was \$4.5 M per year. Development of the numeracy screener will require a similar process, with RFP development scheduled for FY 22-23, procurement scheduled for FY 23-24, and administration scheduled for FY 24-25. Funding for the numeracy screener will be requested as part of the LDE's FY 24 budget.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS
(Summary)

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance
Typed Name and Title of Agency Head or Designee

Date of Signature

LFO 10/04

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The revisions update accountability policy to include a measure of proficiency in literacy and numeracy for students in kindergarten through second grade.

- B. Summarize the circumstances that require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Louisiana Revised Statute 17:24.9 requires that school and district performance scores be partially determined by student performance on a literacy screener. The proposed rule revises policy to implement this provision and adds the further component of student performance on a numeracy screener.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session.

1. Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

Yes. While the cost of developing the numeracy screener is currently indeterminable, the source of funding is currently expected to be SGF. In addition, additional SGF will be needed for any costs associated with the development of the literacy screener once federal funding is exhausted.

2. If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) X NO. If no, provide justification as to why this rule change should be published at this time.

The LDE will request funding for development of the numeracy screener in its FY 24 budget.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

The proposed revisions will have no effect on costs or savings to state agencies.

COSTS	FY 22-23	FY 23-24	FY 24-25
PERSONAL SERVICES			
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES	-0-	INCREASE	INCREASE
OTHER CHARGES			
EQUIPMENT			
<u>MAJOR REPAIR & CONSTR.</u>			
<u>POSITIONS (#)</u>			
TOTAL	-0-	INCREASE	INCREASE

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There will be increased costs to the Department of Education (LDE) to develop and implement the numeracy screener required by the proposed provisions. The literacy screener required by the proposed revisions is currently required by Act 438 of the 2021 Regular Legislative Session, and the LDE has already budgeted funds for its development, though future costs associated with the literacy screener will require additional SGF.

While the cost of developing the assessments is currently indeterminable, the cost of the literacy screener is estimated by the LDE to be \$3 M per year and may be as high as \$4.5 M per year based on the results of the Request for Proposals (RFP) process. Funding for the literacy screener is designated from Elementary and Secondary School Emergency Relief (ESSER) funds. However, these funds will only be available through September 30, 2024. After this date, SGF will be required for future costs. Development of the numeracy screener will require an indeterminable amount of SGF.

The proposed revisions require the development of both a literacy screener and a numeracy screener for students in grades K-2. The highest proposal received for development of the literacy screener was \$4.5 M per year. Development of the numeracy screener will require a similar process, with RFP development scheduled for FY 22-23, procurement scheduled for FY 23-24, and administration scheduled for FY 24-25. Funding for the numeracy screener will be requested as part of the LDE's FY 24 budget.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 22-23	FY 23-24	FY 24-25
STATE GENERAL FUND	-0-	INCREASE	INCREASE
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED			
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (Specify)			
TOTAL	-0-	INCREASE	INCREASE

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Funding for the literacy screener is designated from Elementary and Secondary School Emergency Relief (ESSER) funds. However, these funds will only be available through September 30, 2024. After this date, SGF will be required for future costs. SGF funding for the numeracy screener will be requested as part of the LDE's FY 24 budget.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There may be increased workload to local school districts to administer the new assessments. However, any associated costs are indeterminable.

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

The proposed revisions will not impact sources of funding of local governmental units.

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

The proposed revisions will not have an effect on revenue collections of state or local governmental units.

REVENUE INCREASE/DECREASE	FY 22-23	FY 23-24	FY 24-25
STATE GENERAL FUND			
AGENCY SELF GENERATED			
RESTRICTED FUNDS			
FEDERAL FUNDS			
LOCAL FUNDS			
<hr/>			
TOTAL			

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

N/A

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed revisions will not result in costs and/or benefits to directly affected persons, small businesses, or non-governmental groups.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

N/A

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed revisions will not have an effect on competition and employment.